



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

Honorable Geo. H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Mr. Sheppard:

Opinion No. O-5676

Re: Construction of Senate Bill
No. 332, Acts 48th Legislature --
Appropriation for the aid to Needy
Blind Division, Department of Pub-
lic Welfare.

Your letter of October 16, 1943, submits the ques-
tions listed below with reference to the construction to be
placed upon the appropriation made for the aid to the Needy
Blind Division of the Department of Public Welfare by Senate
Bill No. 332, Acts 48th Legislature. The pertinent provis-
ions of Senate Bill No. 332 are as follows:

"For the Years
Beginning Ending
September 1, August 31,
1943 1945

*Salaries:

251. Field Worker.....	\$ 2,100.00	\$ 2,100.00
252. Field Worker.....	\$ 2,100.00	\$ 2,100.00
253. Field Worker.....	\$ 2,100.00	\$ 2,100.00
254. Field Worker.....	\$ 2,100.00	\$ 2,100.00

Total Salaries.....	\$ 8,400.00	\$ 8,400.00
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Maintenance and Miscellaneous

255. Examining fees, medical services, and contin- gent expense.....	\$ 5,000.00	\$ 5,000.00
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256. Travel Expense.....	\$ 1,000.00	1,000.00
257. Postage.....	1,000.00	1,000.00
258. Telephone and Telegraph.....	500.00	500.00
259. Stationery and Printed Forms.....	500.00	500.00
260. Rental of Equipment.....	750.00	750.00
261. Office Supplies and Maintenance.....	1,000.00	1,000.00
262. Contingent Expenses.....	<u>500.00</u>	<u>500.00</u>

Total, Maintenance and Miscellaneous.....\$ 10,250.00 \$10,250.00

Totals, Division of Aid to Needy
Blind Administrative.....\$ 18,650.00 \$18,650.00

Blind Assistance Division
(Out of State Department of Public
Welfare Fund---Blind Assistance
Fund).

"All income allocated or transferred to the Blind Assistance Fund to the extent of Seven Hundred Thousand (\$700,000.00) Dollars per year is hereby appropriated for each of the fiscal years ending August 31, 1944, and August 31, 1945, to the State Department of Public Welfare for payments and for administering assistance to the needy blind; provided, however, that if any money has been appropriated for the fiscal years as set out above and for the purposes as set out above, this appropriation shall not be in addition thereto and shall be of no force or effect save and except as to that portion of this appropriation as may be necessary together with any other appropriation already made to make a total appropriation of Seven Hundred Thousand (\$700,000.00) Dollars per fiscal year for this purpose. All necessary costs and expenses incident to the proper and economic administration of assistance to the needy blind, as provided in S. B. No. 36, Acts of the 46th Legislature, Regular Session, and any amendments thereto, shall not exceed the sum of Twenty-five Thousand (\$25,000.00) Dollars for each fiscal year. In the event such sums hereby appropriated for administering aid to the needy blind are insufficient to pay all necessary administrative costs including the cost of medical examinations of Ophthalmologists or physicians skilled in treatment of diseases of the eye as required by law for all applicants for blind assistance, then in that event there may be expended out of this appropriation whatever sum that is necessary to pay for such medical examinations. In addition to this appropriation out of State funds

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for administrative expenses for the biennium, the State Department of Public Welfare is authorized to accept from the Federal Social Security Board any funds that may be allocated to said State Department of Public Welfare for administering assistance to the needy blind, and said State Department can use such federal sums allocated for administrative expense in addition to the funds appropriated for this purpose out of State funds; and provided that this appropriation shall be in effect during the biennium ending August 31, 1945."

Your questions are:

1. Is the \$8,350.00 difference between the \$18,650.00 itemized appropriation and the \$25,000.00 maximum provided in the rider for administrative expenses available for the payment of additional salaries and additional maintenance and miscellaneous expenses?

2. In the event the \$8,350.00 is available for additional salaries and additional maintenance and miscellaneous expenses, is there an additional appropriation for the payment of costs of medical examinations of ophthalmologists or physicians skilled in treatment of diseases of the eye, etc.?

It is to be noted that the rider appropriates all income of the blind assistance fund to the extent of \$700,000.00 per fiscal year "for payment and for administering assistance to the needy blind." It is to be noted that the rider further expressly provides that the necessary costs and expenses incident to the proper and economic administration of assistance to the needy blind shall not exceed the sum of \$25,000.00 for each fiscal year. The effect of these provisions is to appropriate not to exceed \$25,000.00 for each fiscal year for all necessary administrative expense. \$18,650.00 of this amount has been expressly itemized. The balance of \$8,350.00 per year, appropriated by the rider, is available for "all necessary costs and expenses incident to the proper and economic administration of assistance to the needy blind", hence it may be used to pay additional salaries and additional maintenance and miscellaneous expenses incurred for such purposes, including the cost of medical examinations of ophthalmologists or physicians skilled in diseases of the eye, as required by law for all applicants for blind assistance.

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There is an additional appropriation available for the payment of costs of medical examinations by ophthalmologists or physicians skilled in treatment of diseases of the eye. Item 255 above listed is, of course, available for such purpose. As stated above, the \$6,350.00 is likewise available for the payment of such costs. In addition to these items, the rider expressly provides that there may be expended out of the \$700,000.00 appropriation whatever sum may be necessary to pay such medical examinations, if the \$5,000.00 item and the \$6,250.00 item should be insufficient to pay for the cost of such examinations.

We trust that the foregoing sufficiently answers your questions.

Very truly yours

APPROVED OCT 26, 1943

ATTORNEY GENERAL OF TEXAS

George Allen
FIRST ASSISTANT
ATTORNEY GENERAL

By

R. W. Fairchild
R. W. Fairchild
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RWF-MR

